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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,618	03/25/2002	John David Schnabel	DYOUN0216US	5796

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,618

Applicant(s)

SCHNABEL ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second office action for application number 09/869,618, Cabinet, filed on March 25, 2002.

Election/Restrictions

Applicant's election without traverse of the invention drawn to a panel mounting means for mounting panels of a cabinet, i.e., Group 1, claims 1-3 in Paper No. 8 is acknowledged.

Claims 4-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to because the exploded views of Figs. 1 and 5 should be bracketed, see MPEP 608.02 and reference character "50" (left side) in Fig. 11 appears to be incorrect and should be --51--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: on page 5, line 16 ",28, 29" should be deleted after "26" since it appears that only reference character "26" refers to the panel; and on page 6, line 15, --end-- should be inserted after "upper".

Appropriate correction is required.

Claim Objections

Claims 2 and 3 are objected to because of the following informalities: in line 1 of claims 2 and 3, "Panel" should be changed to --The panel--; in lines 1-2 of claims 2 and 3, the phrase "in combination with side members (5) or braces (7) of a cabinet" is not necessary and should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the outer face" in line 6 and "the longitudinal extent" in line 7. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by European Patent 0189061 to Zachrai. Zachrai discloses panel mounting means, comprising panel mounts (20, 25) in the form of members disposable at vertical positions within a cabinet or rack and having attachment means (26) for mounting of panels thereupon, the panel mounts being mountable to side members (10, 10') by integral members (22, 27) which extend substantially parallel to and at a spacing from the outer face thereof and in a direction perpendicular to the longitudinal extent thereof, each panel mount being mounted by engagement of the integral member thereof in a respective aperture (15, 15') in the side member followed by movement forwardly or rearwardly to secure the panel mount to the respective side member, and retaining means (23, 28) for insertion in aligned bores (16, 16') in the panel mounts and the side members to prevent return movement of the pane mounts in the forward or rearward directions.

Claims 1 and 3, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,070,957 to Zachrai. Zachrai '957 discloses panel mounting means, comprising panel mounts (20) in the form of members disposable at vertical positions within a cabinet or rack and having attachment means (14 or 15) for mounting of panels thereupon, the panel mounts being mountable to side members (30) or braces (10) extending between the side members, by integral members (21) which extend substantially parallel to and at a spacing from the outer face thereof and in a direction perpendicular to the longitudinal extent thereof, each panel mount being mounted by engagement of the integral member thereof in a respective aperture (33) in the side member or braces followed by movement forwardly or rearwardly to secure the panel mount to the respective side member or brace, and retaining means (50) for insertion in aligned bores in the panel mounts and the side members or braces to prevent return movement of the pane mounts in the forward or rearward directions; and wherein the braces have horizontally elongate slots (12) therein, wherein the braces are securable by fastening means (50) extending through the slots and horizontally movable with respect to the side members to permit the panel mounts to be secured at any desired location in the depth of the cabinet or rack.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zachrai.

Zachrai further discloses that the apertures in the side members are spaced at a predetermined horizontal spacing to set the locations at which the panel mounts can be secured at predetermined spacings. Zachrai discloses the claimed invention except for the limitation of the spacing between the apertures being 25mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the distance between the apertures in Zachrai to have been 25mm for the purpose of providing a specified distance to mount the panels on the cabinet for the purpose of providing a uniformed distance between each panel.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zachrai '957. Zachrai '957 discloses the claimed invention except for the limitation of the spacing between the apertures being 25mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the distance between the apertures in Zachrai to have been 25mm for the purpose of providing a specified distance to mount the panels on the cabinet for the purpose of providing a uniformed distance between each panel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,273,720 to Seiz

U.S. Patent 3,788,490 to Featherman

U.S. Patent 4,423,978 to Tiegelmann

U.S. Patent 4,620,684 to Delpercio et al.

U.S. Patent 5,758,988 to Theodorou

U.S. Patent 5,930,972 to Benner et al.

U.S. Patent 5,941,621 to Boulay et al.

U.S. Patent 6,019,446 to Laboch et al.

U.S. Patent 6,230,910 to Olsson et al.

U.S. Patent 6,352,164 to Hyatte et al.

U.S. Patent 6,431,668 to Reddicliffe


Seiz discloses a storage rack. Featherman discloses an erectable shelving having a plurality of vertical supporting posts and bracing members. Tiegelmann discloses shelving construction. Delpercio et al. disclose a support bracket assembly for a cabinet. Theodorou discloses a locking device for releasable connection of frame members and knockdown structures. Benner et al. discloses a frame structure assembled from frame limbs for a switchgear cabinet. Boulay et al. disclose a cabinet slide-mounting bracket. Laboch et al. discloses a metal frame for an electrical cabinet. Olsson et al. discloses a self-locking beam clip for attaching an end of a beam to a column. Hyatte et al. disclose an adjustable rack system. Reddicliffe discloses a method of installing a telescopic shelf in a cabinet.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Anita M. King
Primary Examiner
Art Unit 3632

September 20, 2003